REMARKS

Prior to the present response, claims 1-21 were pending. By way of the above amendments, claims 1, 3, 5, 8, 10-12, 14, 16, 19 and 21 have been amended, and new claims 22-28 have been added. Accordingly, claims 1-28 currently are pending.

Claims 1, 3, 5, 8, 10-12, 14, 16, 19 and 21 have been amended to recite that a "scene" is determined as a result of analysis of image data. Support for these amendments can be found throughout the original disclosure, for instance, in pages 7-8 and 11-14 of the specification. New claims 22-28 find support, for example, in the specification, at pages 7-8 and 12-13, and in Figure 10.

Favorable reconsideration and examination of all pending claims is respectfully requested in view of the following remarks:

The Restriction Requirement Should be Withdrawn

In the Office Action, at page 2, the Examiner alleges that only claims 10, 12-14 and 21 read on the elected Species I of Fig. 3, and that claims 1-9, 11 and 15-20 have been withdrawn from further consideration. It is respectfully submitted, however, that the stated reasoning for the restriction does not support the action taken by the Examiner, and that all pending claims read on the alleged Species I of Fig. 3.

As instructed in MPEP § 806.04(f), in order for claims to be restricted to different species, they must be drawn to mutually exclusive species. The Examiner has failed to show, however, how the alleged Species I illustrated in Fig. 3 and Species II of Fig 9 meet this requirement for restriction. More particularly, it is respectfully submitted that the Examiner's assertion concerning Figure 9 showing steps in addition to those shown in Figure 3 does not necessarily lead to any conclusion that these figures illustrate mutually exclusive species.

To the contrary, the present invention provides mechanisms and ways to correct image data for a user who is inexperienced with and/or does not understanding the meaning of information (e.g., a histogram) that is displayed as a result of image analysis. This is accomplished by displaying a scene as a result of image analysis (see, for example, pages 7 to

8 of the specification), whether or not an image is analyzed before color correction or after automatic color correction is displayed. Hence, contrary to the allegation that "species I does not conduct automatic color correction and *only* [conducts] analysis on image data [and displays] the result before a user input (see [pages] 7-8 of the specification)" (see the Office Action, page 2), there is simply no disclosure in the specification that would limit claims 10, 12-14 and 21, as alleged by the Examiner. For instance, claims 10 and 21 do not necessarily preclude display of the image after automatic correction. Conversely, withdrawn independent claims 1, 5, 11 and 16 "read on" elected Species I, even though they contain additional subject matter to what is explicitly recited in independent claims 10, 12, 14 and 21.

In any event, it is to be noted that Fig. 3 also shows steps to display an image after automatic correction. In step S14 in Fig. 3, for instance, the result of image analysis is displayed, and the graphic user interface is changed. Figure 4 shows step S14 is detail, and Fig. 5 shows step S32 (i.e., set parameter/default operation) of Fig. 4 in detail. At step S58, an image after correction is prepared and displayed in the screen. It should be apparent that step S58 is performed before parameters are inputted by the user (step S16 in Fig. 3). Hence, Fig. 3 also includes an image displayed after automatic color correction.

It also is noted that the present Office Action is inconsistent with statements made in the Restriction/Election requirement dated July 16, 2003. For instance, the Examiner indicated therein that claim 5 is generic to both Figs. 3 and 9. In the most recent Office Action, however, the Examiner has withdrawn claim 5 from consideration. It is respectfully requested that the Examiner either rescind his withdrawal of claim 5 or provide further clarification as to why this claim is no longer considered generic.

For at least these reasons, the restriction requirement is believed improper and should be rescinded. Applicant therefore requests the Examiner to examine all pending claims 1-28.

The Gu Patent Fails to Disclose All Claimed Elements

The Office Action also includes a rejection of claims 10, 12-14 and 21 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,874,988 to Gu. Insofar as

the Office may consider this rejection to apply to the amended claims, this rejection is respectfully traversed.

Each of amended claims 10 and 12 recites steps of analyzing image data to determine *a scene of the image data*, and *displaying the scene* of the image data and a first correction parameter in correspondence to the scene in a screen of a display device. For example, with reference to the exemplary embodiment described in pages 7 to 8 of the specification, in the analysis of image data, histograms of R, G, B data, value data, or the like are prepared and the image data is divided into areas. A scene, for example, color fog, backlight, underexposure, overexposure, night scene or the like is decided and displayed. Because parameters are displayed according to a scene, a general user can easily correct the image.

It is respectfully submitted that the Gu patent does not disclose or suggest displaying *a scene* as set forth in amended claims 10 and 12. In contrast, the Gu patent is directed to a system for automated color correction in which both a reference image, a target image, and their respective histograms are displayed. Further, a lower edge, a higher edge, and a peak on each of the histograms are displayed. (See column 16, lines 27-33; column 20, line 64 to column 21, line 13; and Figs. 5 and 9A-11C.) When the reference image does not match the target image, an adjustment value is outputted as a correction value. (See column 21, lines 14-32.) For instance, as shown in Figs. 9A-11C of Gu, only histograms are displayed, and when parameters are set or changed (in the reference image), it is based on the histograms and carried out according to the experience of the user. (See column 16, lines 57-59.) As such, the Gu system is similar to image processing of the prior art described in pages 1-2 of Applicant's specification. As noted therein, it would be difficult for a general user to set appropriate parameters in this type of system.

For at least these reasons, it is respectfully submitted that the Gu patent does not anticipate the combination of features recited in independent claims 10 and 12, and hence also in dependent claims 13 and 14. The combinations of features recited in the dependent claims define further points of distinction not disclosed in the Gu patent.

Amended independent claim 21 is directed to an image processor that includes, *inter alia*, an analyzer that analyzes image data *to determine a scene thereof*, a decider that decides a first image correction process *based on the determined scene*, and a display device that *displays the scene to a user*. As pointed out above, the Gu patent does not disclose or suggest displaying any scene. Hence, for reasons similar to those given above for claims 10 and 12, Gu does not disclose the claimed combination of features of amended independent claim 21.

Conclusion

In light of the foregoing, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections so that the present application can pass the issuance. Should any residual issues exist, the Examiner is requested to contact the undersigned so that the issuance of this patent will not be further delayed.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

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By: _____
John F. Guay
Registration No. 47,248

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620